GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri Madigani Srinivasa Rao, S/o Venkateswarlu, Occ: Armed Reserve Constable, Prakasam District, against the proceedings No.Rc.C4/564/2007, dated 18.08.2008 of the District Collector, Prakasam, under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition allowed– Orders -Issued.

SOCIAL WELFARE (TW.CV.2) DEPARTMENT

G.O.MS.No. 142 Dated: 29-08-2018
Read the following:

1. Proceedings of the District Collector, Prakasam, Rc.C4/564/200, dated 18.8.2008.
2. Appeal petition from Madigani Srinivasa Rao S/o Venkateshwarlu, Occ: Armed Reserve Constable, R/o Ramanagar, Vetapalem (M), Prakasam District received through M(TW), No.1028 /M (TW&RIAD)/2008, on 25.9.2008.
3. Govt. Memo No. 9185/CV.2/2008, dated 01.10.2008.
4. From the District Collector, Prakasam, Lr.No.Rc.C4/1533/ 2008, dated 28.12.2013.
5. Govt. Memo No. 9185/CV.2/2008, dt: 31.08.2015 & 01.05.2018.

ORDER:

In the reference 1st read above, the District Collector, Prakasam has issued orders cancelling ST-Yerukula caste certificate obtained from the then Mandal Revenue Officer, Vetapalem in the year 1997 by Sri Madigani Srinivasa Rao, S/o Venkateswarlu.

2. In the reference 2nd read above, Sri Madigani Srinivasa Rao, S/o Venkateswarlu, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, Prakasam. After examining the said Appeal Petition, Government have admitted the Appeal Petition and granted stay on the proceedings of the District Collector, Prakasam and called for the parawise remarks and connected records from the District Collector, Prakasam in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, Prakasam has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri Madigani Srinivasa Rao, S/o Venkateswarlu.

4. The said Appeal Petition has been posted for hearing on 19.09.2015 & 19.05.2018 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 5th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. The Appellate Authority has conducted final hearing on the said appeal petition on 19.05.2018 and the appellant/ counsel for the appellant were attended for the said hearing and argued case.

5. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant/ the parawise remarks submitted by the District Collector, Prakasam and proceedings, dated 18.8.2008 of the District Collector, Prakasam, the Appellate Authority is observed that :

I. The appellant in his grounds has stated that his father belongs to ST-Yerukula community and at the time of admission of his father into Bandla Bapayya Hindu Higher Secondary School, Vetapalem, his caste recorded as ST-Yerukula & Date of Birth is 16.05.1947 by his grandfather Sri M.Polaiah and his father caste recorded as ST-Yerukula, in his School records viz., SSC, TC during the year 1961/1963. Further he has stated that the then MRO vide his letter Rc.No.753/93,dt: 05.08.1993 reported that the individual belongs to ST-Yerukula community and the same was confirmed by Sri V.Krishna Murthy, SI, Jarugumalli PS on 15.11.2003 by conducted enquiry.

[P.T.O]

II. Further he has stated that another witness Sri Boddu Veeranjaneyulu, who was Ex-Ward member of Vetapalem Panchayat examined on 16.11.2003 deposed that he belongs to ST-Yerukula community. Further, lower court failed to appreciate evidence adduced by him on proper perspective. Further, the lower court ought to have considered and upheld the contention of the appellant that a male Hindu decends from a caste or community of his father as "Agnatic Line of Decend" and not the "Cognatic line of decend" and failed to consider the school and service records' of his father.

III. The District Level Scrutiny Committee has observed that the Superintendent of Police, Ongole reported that in his enquiry it is revealed that the father of the individual Sri Madigani Venkateswarlu originally belongs to "Vaddera" BC and he also married Vaddera women by name Venkayamma. During his childhood a ST adopted him and he started using Yerukula caste. Since then and accordingly he was appointed in AP Transco and his son M.Srinivasarao also entered in Police Department under ST quota. The appellant himself admittedly stated before DLSC that his father was not adopted. The appellant has not produced any documentary evidences before the DLSC regarding his father's adoption claim. All the documentary evidences produced by the appellant are issued based on school records only. It is clearly revealed that Madgani Venkateswarlu when studied in Yerukula Hostel in Vetapalem Mandal maintained by Sri 'Madigani Guru Murthy' and put 'Madigani' as his surname and entered his surname as Madigani in school records and continued throughout his education career and basing on production of his father's caste certificate Sri Madigani Srinivasa Rao also obtained YERUKULA and selected as AR constable under ST quota. Hence, all the school and service records of the father of the appellant deserves no consideration before cancelling the Yerukula ST caste certificate of the appellant. Based on the findings of the DLSC, the District Collector has cancelled the caste certificate.

IV. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

V. The Appellate Authority has observed that during the course of arguments, the appellant submitted his arguments and stated that his father and grandfather all are belongs to ST-Yerukula community as such he is also same community and in their school certificates, it is clearly shows that he is Yerukula as such on that scores he is able to prove his caste as ST Yerukula. That the appellant also filed additional documents in support of his claim such as the school certificate of his father in which it is mentioned that he belongs to Yerukula Community. As per the arguments of the appellant and on verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that the document pertaining to the father of the appellant with regard to the SECONDARY SCHOOL CERTIFICATE dated 16-10-1961 it was noted that Madigani Polaiah who is grandfather of the appellant joined the father of the appellant in the school wherein it is mentioned the date of birth is 16.05.1947 and his caste is Yerukula which shows that he brought up as Yerukula and the tribal society accepted him as Yerukula. On perusal of the same it clearly establishes that the caste of the father of the appellant is Yerukula. A reading between the lines of the document and on perusal of the same it is confirming that the father of the appellant was recognized as Yerukula prior to 1950s. In the light of the above the appellant able to prove his claims that his caste is Yerukula as such he comes under ST category. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority failed to observe the finding of the concerned above.

6. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No.16 of 1993), hereby allow the Appeal Petition filed by Sri Madigani Srinivasa Rao, S/o Venkateswarlu, by upholding his Scheduled Tribe(Yerukula) community claim and ST-Yerukula caste certificate issued by the then Mandal Revenue Officer, Vetapalem and the Proceedings of the District Collector, Prakasam issued in the reference 1st read above are set- aside.

7. The District Collector, Prakasam is directed to take necessary consequential action in the matter.

[Contd..]

8. The records (containing RC.C4/564/2007, pages CF: 137, NF: 15) received from the District Collector, Prakasam through the reference 4th read above, are returned herewith in original to the District Collector, Prakasam and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Prakasam.
(with original records) (BY RPAD)

Sri Madigani Srinivasa Rao S/o Venkateshwarlu,
Occ: Armed Reserve Constable,
R/o Ramanagar, Vetapalem (M), Prakasam District.
Sri T. L. Krishna Prasad, Advocate,
GF2, Praveen Residency, Durgabai Deshmukh Colony,
Hyderabad-500 007.

The superintendent of Police Ongle, Prakasam District
Copy to :
The Director, TCR& TI, AP, Amaravathi.
The PS to M(SWE & TWE).
The PS to Principal Secretary(SW&TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER